



**THE CITY OF NEW YORK
LAW DEPARTMENT**

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By ECF

The Hon. Louis L. Stanton
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: *The City of New York v. Magellan Technology, et al.*, Case No. 23-5880 (LLS)

Judge Stanton:

This Office represents Plaintiff the City of New York (the “City”) in the above-referenced matter. I write to request that the Court schedule an initial pretrial conference pursuant to Federal Rule of Civil Procedure 16. As of the time of filing this letter, the City has not heard from Defendants¹ as to their position on this request.

This action was initiated on July 10, 2023 (Dkt. No. 1). The City moved for a preliminary injunction on October 16, 2023 (Dkt. No. 41),² and Defendants filed motions to dismiss the Amended Complaint on October 17, 2023 and October 27, 2023 (Dkt. Nos. 52, 54, 63), all of which are pending. There is no discovery scheduling order in place in this action.

Therefore, the City respectfully requests that the Court schedule a Rule 16 conference for the purpose of entering a scheduling order.

Sincerely,

/s/ Alexandra Jung
Alexandra Jung
Assistant Corporation Counsel

¹ Magellan Technology, Inc., Ecto World, LLC d/b/a Demand Vape, Matthew J. Glauser, and Donald Hashagen (the “Hyde Defendants”), and Mahant Krupa 56 LLC d/b/a Empire Vape Distributors, Nikunj Patel, and Devang Koya (the “Empire Defendants”).

² The Empire Defendants have not yet responded to the City’s motion for a preliminary injunction. The City consented to an extension of time for the Empire Defendants to file a response, which is now due on January 17, 2024. See Order of Dec. 21, 2023 (Dkt. No. 91).